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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jun 04, 2024

SEAN F. MCVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DEVON P.,<sup>1</sup>

No. 1:24-cv-3049-EFS

Plaintiff,

v.

MARTIN O'MALLEY, Commissioner of  
Social Security,

**ORDER GRANTING THE PARTIES'  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)**

Defendant.

The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. The parties also agree that Plaintiff is entitled to reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 8**, is

**GRANTED.**

<sup>1</sup> For privacy reasons, the Court refers to every social security plaintiff by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

- This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to: take any necessary action to complete the administrative record; offer Plaintiff a new hearing; reevaluate the five-step sequential evaluation process: reevaluate the ALJ's step 5 finding, including obtaining vocational expert (VE) evidence as necessary while resolving any inconsistencies between the VE testimony, the Dictionary of Occupational Titles, and the residual functional capacity; and issue a new decision.

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel.

**DATED** this 4<sup>th</sup> day of June 2024.

*Edward F. Shea*  
EDWARD F. SHEA  
Senior United States District Judge